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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MACK A WEST, Jr.,
Plaintiff,
v.
HULBERT, et al.,
Defendants.

Case No. **1:16-cv-00046-DAD-JLT (PC)**
**ORDER DENYING PLAINTIFF’S
MOTION FOR SUBPOENA DUCES
TECUM WITHOUT PREJUDICE**
(Doc. 47)

The Court issued the Discovery and Scheduling Order on September 4, 2018. (Doc. 46.) This order opened discovery in this case. Three weeks later, Plaintiff filed a motion seeking a blank subpoena duces tecum to seek documents pertaining to this action “which a subpoena can only produce.” (Doc. 47.)

Subject to certain requirements, Plaintiff is entitled to subpoena documents, electronically stored information, and tangible things from a nonparty. Fed. R. Civ. P. 45. However, the Court will consider granting Plaintiff’s request for a subpoena only if the documents or items sought are in the possession or control of a nonparty, they are not otherwise available to Plaintiff, and they are not within the Defendants’ control. Fed. R. Civ. P. 34.

In addition, the Court **will not** issue blank subpoenas. Rather, Plaintiff must identify specifically the documents sought and from whom and demonstrate that the documents are discoverable in this action. Accordingly, Plaintiff’s motion for a blank subpoenas duces tecum

1 (Doc. 47), is **DENIED** without prejudice.

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3 IT IS SO ORDERED.

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Dated: October 2, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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